

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Vu Duy,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Civil Action No.:8:06-28
	)	
Federal Bureau of Prisons; and Ruth	)	
Yancey, Warden,	)	
	)	
Respondents.	)	
	)	

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**ORDER**

Petitioner filed the instant action for habeas relief pursuant to 28 U.S.C. § 2241 on January 19, 2006. (Doc. #1). On April 20, 2006, Respondents filed the pending motion to dismiss, or in the alternative, for summary judgment. (Doc. #9). Petitioner responded to the pending motion on May 23, 2006. (Doc. #11). This matter now comes before the Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Bruce H. Hendricks, to whom this case had been previously assigned. In the Report, issued on September 18, 2006, Magistrate Judge Hendricks recommends that “Respondents’ motion for summary judgment be granted and the Petitioner’s petition be dismissed with prejudice.” (Doc. #12). Petitioner timely filed objections to the Report on October 5, 2006. (Doc. #13).

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However,

the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted). In light of this standard, the Court has reviewed the Report. After careful review of the Report and objections thereto, the Court accepts the Report. Therefore, for the reasons articulated by the Magistrate Judge, it is **ORDERED** that Respondents' Motion for Summary Judgment (Doc. # 9) is **GRANTED** and the petition is dismissed with prejudice.

**IT IS SO ORDERED.**

S/ Terry L. Wooten

Terry L. Wooten  
United States District Judge

February 1, 2007  
Florence, South Carolina